

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0789  
 RULE TITLE: Definition of a Charter School Nonprofit Organization

PURPOSE AND EFFECT: The purpose of this rule development is to clarify how a charter school shall be organized and operated.

SUBJECT AREA TO BE ADDRESSED: The definition of a nonprofit organization for purposes of charter school operation.

RULEMAKING AUTHORITY: 1002.33 FS.

LAW IMPLEMENTED: 1002.33 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 12, 2010, 10:00 a.m. – 12:00 Noon  
 PLACE: Florida Department of Education, 325 W. Gaines St., Rm. 1706, Tallahassee, FL 32399. To participate via conference call: 1(888)808-6959, Code 2450861

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Adam Miller, Charter School Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0789 Definition of a Charter School Nonprofit Organization.

For the purposes of Section 1002.33, Florida Statutes, a nonprofit organization is defined as any corporation, trust, association, cooperative, or other organization that meets the following criteria:

- (1) Is qualified under Section 501 (c) 3 of the IRS code, or
- (2)(a) Is operated primarily for scientific, educational service, or charitable purpose in the public interest;
- (b) Is not organized primarily for profit;
- (c) Uses net proceeds to maintain, improve, or expand the operations of the organization; and
- (d) No part of its net earnings may lawfully benefit any private shareholder or individual.

Rulemaking Authority 1002.33(26) FS. Law Implemented 1002.33(12)(i) FS. History–New \_\_\_\_\_.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-7.0411  
 RULE TITLE: Responsibilities for the School Food Service Program

PURPOSE AND EFFECT: The purpose of the rule development is to review the current provisions relating to beverages currently allowed to be sold as well as served at elementary, middle and high schools. The effect is to ensure that students have access to beverages with the most appropriate nutritional value.

SUBJECT AREA TO BE ADDRESSED: Beverages sold and served at public schools.

RULEMAKING AUTHORITY: 1006.06(2) FS.

LAW IMPLEMENTED: 1006.06, 1006.0605, 1006.0606 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATE AND TIME: April 28, 2010, 1:00 p.m. – 5:00 p.m.  
 PLACE: Orlando County Convention Center, Room W306B, 9800 International Drive, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lynn Abbott, Agency Clerk, Department of Education lynn.abbott@fldoe.org or (850)245-9661

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-7.0411 Responsibilities for the School Food Service Program.

(1) The Deputy Commissioner for Finance and Operations shall have the following responsibilities:

(a) through (c) No change.

(d) To require that all programs meet at least the minimum standards established by Florida law and rules of the State Board provided, however, that only beverages consistent with the guidelines in paragraph (2)(c) of this rule are served or offered. Provided, however, that under extenuating circumstances and upon written recommendation of the Deputy Commissioner for Finance and Operations, the Commissioner shall have authority to waive any state school food service regulation for a period of time not to exceed six (6) months; provided further, that an extended waiver may be granted based upon evidence that it will contribute to the maintenance of district or school goals. Such an extended waiver shall be for no more than an additional twelve (12) months during which time the district must make periodic reports to the Department as to the impact of the waiver upon the districts food service programs. Based upon positive results the Commissioner may grant further waivers as deemed appropriate.

(e) through (2)(b) No change.

(c) To control the sale of food and beverage items in competition with the district approved food service program, Only the following beverages may be sold in all schools: non-carbonated, bottled water with no additives except for flavor additives; milk with a fat content of one (1) percent or less not to exceed one hundred ten (110) calories per eight (8) ounce serving; and one hundred (100) percent fruit juice with no added sweeteners or other additives. In addition, the following beverages may be sold in high schools only: beverages with no more than ten (10) calories, no more than thirty (30) milligrams of caffeine per eight (8) ounces, any added vitamins, minerals or supplements may not exceed one hundred (100) percent of Dietary Reference Intakes (DRI) guidelines per eight (8) ounce serving; for containers larger than eight (8) ounces the total vitamins, minerals or supplements per container may not exceed one hundred (100) percent of DRI guidelines. The container size for beverages that have calories may not exceed eight (8) ounces for elementary schools, ten (10) ounces for middle schools, and twelve (12) ounces for high schools. In addition, sports drinks containing no more than sixty (60) calories, fifteen (15) grams of sugar, one hundred fifty (150) milligrams of sodium, and thirty (30) milligrams of caffeine per eight (8) ounce serving may be consumed by middle and high school student athletes immediately before, during or after practice or competition. None of the beverages permitted in this section may be sold in the food service areas during the lunch periods, including those classified as “foods of minimal nutritional value,” listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(d) through (4) No change.

Rulemaking Specific Authority 1006.06(2) FS. Law Implemented 1006.06, 1006.0605, 1006.0606 FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, 1-25-00, Formerly 6-7.042, Amended \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

**RULE NO.:** 14-85.022  
**RULE TITLE:** Permits

**PURPOSE AND EFFECT:** Rule development is being initiated and workshops held to allow for public discussion and possible amendment.

**SUBJECT AREA TO BE ADDRESSED:** Annual permit fees will be addressed.

**RULEMAKING AUTHORITY:** 334.044(2), 479.261 FS.

**LAW IMPLEMENTED:** 479.261 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATE AND TIME:** Tuesday, April 27, 2010, 9:00 a.m. – 11:00 a.m.  
**PLACE:** Auditorium D2, 3400 West Commercial Blvd. (District 4 Office), Ft. Lauderdale, Florida

**DATE AND TIME:** Tuesday, April 27, 2010, 3:00 p.m. – 5:00 p.m.  
**PLACE:** Auditorium A, Turnpike Turkey Lake Service Plaza, Ocoee, Florida

**DATE AND TIME:** Thursday, April 29, 2010, 2:00 p.m. – 4:00 p.m.  
**PLACE:** Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Deanna R. Hurt, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF TRANSPORTATION**

**Florida Seaport Transportation and Economic Development Council**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

**PURPOSE AND EFFECT:** Provide Implementation Guidelines for Port Project Funding Application Procedures, Agency Reviews, Council Procedures and Port Funding Requirements.

**SUBJECT AREA TO BE ADDRESSED:** Florida Seaport Transportation and Economic Development Council Rule.

**RULEMAKING AUTHORITY:** 311.09(4), 311.09(2), (11) FS.  
**LAW IMPLEMENTED:** 311.07, 311.09, 315.02, 320.20(3), (4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Toy Keller, toykeller@flaports.org, Florida Ports Council, 502 E. Jefferson St., Tallahassee, Florida 32301, (850)222-8028

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
15C-17.001	Requirements
15C-17.002	Exemptions and Restrictions
15C-17.003	Record Retention

**PURPOSE AND EFFECT:** The Purpose and Effect of this rule is to implement a secure electronic process for the temporary transfer of license plates.

**SUBJECT AREA TO BE ADDRESSED:** Electronic Temporary Plate Transfer.

**RULEMAKING AUTHORITY:** 320.0609(8) FS.

**LAW IMPLEMENTED:** 320.0609(8) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

**DATE AND TIME:** Tuesday, April 27, 2010, 9:30 a.m.

**PLACE:** 2900 Apalachee Parkway, Auditorium, Room A427, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Boyd Walden, Chief, Bureau of Titles and Registrations, Division of Motor Vehicles, 2900 Apalachee Parkway, MS-68, Tallahassee, Florida 32399-0500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CITRUS**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
20-48.005	Program Requirements

**PURPOSE AND EFFECT:** Amendment updating rules to reflect new location information of the Florida Department of Citrus.

**SUBJECT AREA TO BE ADDRESSED:** New location information of the Florida Department of Citrus.

**RULEMAKING AUTHORITY:** 601.15 FS.

**LAW IMPLEMENTED:** 601.15 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or [www.fdocgrower.com](http://www.fdocgrower.com) under Legal

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

**RULE NO.:** 20-68.002  
**RULE TITLE:** Inspection of Official Tables  
**PURPOSE AND EFFECT:** Amendment updating rules to reflect new location information of the Florida Department of Citrus.  
**SUBJECT AREA TO BE ADDRESSED:** Official location information of the Florida Department of Citrus.  
**RULEMAKING AUTHORITY:** 601.10(1), (7), 601.11, 601.25 FS.  
**LAW IMPLEMENTED:** 601.02(4), (5), 601.10(7), 601.11, 601.25 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF CITRUS**

**RULE NOS.:** 20-100.001  
**RULE TITLES:** Statement of Agency Organization and Operation  
 20-100.003  
 Management and Indexing of Final Orders  
 20-100.004  
 Official Forms Used by Agency  
**PURPOSE AND EFFECT:** Amendment updating rules to reflect new location information of the Florida Department of Citrus.  
**SUBJECT AREA TO BE ADDRESSED:** Official location information of the Florida Department of Citrus.  
**RULEMAKING AUTHORITY:** 120.53, 120.54(5), 601.10(1), (15) FS.  
**LAW IMPLEMENTED:** 120.53, 120.54(5), 601.10(15) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Alice P. Wiggins, Administrative Assistant, Legal Department, Florida

Department of Citrus, P. O. Box 9010, Bartow, Florida 33831-9010 or (863)537-3999 or awiggins@citrus.state.fl.us or www.fdocgrower.com under Legal  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**PUBLIC SERVICE COMMISSION**

**RULE NOS.:** 25-30.029  
**RULE TITLES:** Legal Description of Service Area  
 25-30.030  
 Notice of Application  
 25-30.032  
 Applications  
 25-30.033  
 Application for Original Certificate of Authorization and Initial Rates and Charges  
 25-30.034  
 Application for Certificate of Authorization for Existing Utility Currently Charging for Service  
 25-30.035  
 Application for Grandfather Certificate  
 25-30.036  
 Application for Amendment to Certificate of Authorization to Extend or Delete Service  
 25-30.037  
 Application for Authority to Transfer  
 25-30.039  
 Application for Name Change  
 25-30.090  
 Abandonments  
**PURPOSE AND EFFECT:** New Rule 25-30.029, F.A.C., specifies the format of the legal description of the utility's service area to be used in various listed water and wastewater certificate applications. The amendments to the remaining rules update, stream-line, and clarify the Commission's requirements for applications for water and wastewater utility certificates of authorization. Undocketed.  
**SUBJECT AREA TO BE ADDRESSED:** Certificates of authorization for Commission regulated water and wastewater utilities.  
**RULEMAKING AUTHORITY:** 350.127(2), 367.0451, 367.121, 367.1213, 367.1214 FS.  
**LAW IMPLEMENTED:** 367.031, 367.045, 367.071, 367.1213, 367.1214, 367.165 FS.  
**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**  
**DATE AND TIME:** May 6, 2010, 9:30 a.m.  
**PLACE:** Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, FL  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6770. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Patti Daniel, Office of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6808, pdaniel@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

#### DEPARTMENT OF CORRECTIONS

RULE NO.:                    RULE TITLE:  
33-601.800                    Close Management

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: change Form DC6-128, Close Management Referral Assessment, to state that an inmate's mental health classification shall be based on the inmate's present mental health status, rather than the inmate's status within the past 30 days; add lewd and lascivious behavior to the list of "major rule violations"; add a definition of lewd and lascivious behavior; create a process and criteria for review of a Security Threat Group member before he or she is released from close management; clarify book and periodical possession limits for close management inmates; and remove restriction on providing typing services to inmates on close management status.

SUBJECT AREA TO BE ADDRESSED: Close Management.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.800 Close Management.

(1) Definitions.

(a) Housing supervisor – a correctional officer sergeant, or above, who is in charge of the close management unit for a particular shift.

(b) Medical Staff – a health care professional whose primary responsibility is the provision of physical health care to inmates.

(c) Mental Health Staff – a health care professional whose primary responsibility is the provision of mental health care to inmates.

(d) Close Management (CM) – the confinement of an inmate apart from the general population, for reasons of security or the order and effective management of the institution, where the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the rights and privileges of others.

(e) Close Management Levels – the three individual levels (CMI, CMII, and CMIII) associated with close management, with CMI being the most restrictive single cell housing level and CMIII being the least restrictive housing of the three CM levels.

(f) Individualized Service Plan (ISP) – a dynamic, written description of problems, goals, and services which is developed and implemented by the multi-disciplinary services team (MDST) and the inmate. An ISP shall be developed and implemented for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(g) Multi-disciplinary Services Team – a team of mental health, program, classification, and security staff which assesses behavioral risk for each CM inmate and develops and implements an individualized service plan for each CM inmate who suffers from mental impairment or is at significant risk for developing such impairment, as determined by mental health staff.

(h) Critical Event – inmate involvement, after the CM team decision, in one or more of the following events or behaviors: assignment to suicide observation status; homicide; attempted homicide; escape; attempted escape; physical assault; attempted physical assault.

(i) Review – where used herein, refers to the evaluation of pertinent information or documentation concerning an inmate's close management status to determine if changes or modifications are required or recommended.

(j) Visit – where used herein, refers to the official tour and inspection of a close management unit by a staff member.

(k) Institutional Classification Team (ICT) – the team consisting of the warden or assistant warden, classification supervisor, and a chief of security, that is responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification Office (SCO). The only exception to the above listed membership of the ICT is the makeup of the ICT at the designated CM facilities when considering the placement, continuance, modification, or removal of inmates from close management units. For these purposes, multiple ICTs consisting of the following members can be utilized:

1. Warden, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or a senior classification officer who does not have the inmate on his or her caseload; or

2. Assistant Warden for Operations, a chief of security or a correctional officer with a rank and position no less than CM housing lieutenant, and the classification supervisor or in his or her absence from the institution the acting classification supervisor; or

3. Assistant Warden for Programs, a chief of security or in his or her absence from the institution the acting chief of security, and the classification supervisor or a senior classification officer who does not have the inmate on his or her assigned caseload.

(l) Institutional Classification Team Docket – the official record of an ICT hearing.

(m) Major Rule Violation – any assault, battery or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives or escape paraphernalia; and any escape or escape attempt.

(n) Offender Based Information System (OBIS) – the department's computer offender database system which is utilized to organize and store security, classification, program and other offender information.

(o) Restricted Labor Squad – an armed supervision work squad consisting of individually shackled close management II or III inmates who work outside the secure perimeter on institution grounds.

(p) Senior Correctional Officer – a correctional officer lieutenant or above.

(q) State Classification Office (SCO) – a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving, modifying or rejecting ICT recommendations.

(r) Lewd or Lascivious Exhibition – An inmate commits a lewd or lascivious exhibition when the inmate:

1. Intentionally masturbates;

2. Intentionally exposes the genitals without authorization;

or

3. Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.

(2) Levels of Close Management.

(a) Close Management I (CMI).

1. Close Management I is the most restrictive single cell housing level of all the close management status designations.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. An incident causing death;

b. An act causing injury or an act which could have resulted in injury to another;

c. Any physical assault on staff shall result in a mandatory referral for review for placement in CMI status. If convicted, regardless of whether adjudication is withheld, of any assault or battery that constitutes a felony, the CM release provisions specified in paragraph (16)(g) shall be effective.

d. The taking of a hostage or an attempt to take a hostage;

e. Instigation or incitement of a riot or disorder;

f. Creating or causing property damage in excess of \$1,000;

g. Participation in or causing further institutional disruption during a riot or disorder;

h. An escape or escape attempt involving use of a weapon, outside assistance, use of equipment or tools to penetrate a secure perimeter or violence committed during or while on escape;

i. An escape or escape attempt from a secure perimeter;

j. An escape or escape attempt while under armed supervision while outside the perimeter of the institution;

k. Possession of weapons, ammunition, explosives, flammables, or initiation of or participation in trafficking of these items or trafficking in drugs;

l. Participation in a sexual assault or battery;

m. An inmate who is currently CMII or CMIII and shows an inability to adjust as evidenced by subsequent major rule violation(s);

n. Documented leadership in a security threat group that is certified by the threat assessment review committee in central office.

(b) Close Management II (CMII).

1. CMII is restrictive cell housing, which may or may not be restricted to single cell housing.

2. An inmate may be placed into CMII without having previously been placed in CMIII. Any of the following factors constitutes a basis for placement of an inmate in CMII status:

a. An act or acts in the community, during other periods of confinement, or any circumstances associated with the current period of incarceration such that safety, security, and public safety concerns suggest further review prior to placement in open population;

b. A pattern of predatory actions which makes an inmate a threat to others;

c. An act causing injury or an act which could have resulted in injury to another;

d. An escape or an escape attempt from within the secure perimeter of a facility without violence, the use of weapons, the taking of hostages, the use of equipment or tools, or outside assistance;

e. Participation in riots or disorders during any period of incarceration;

f. A pattern of behavior during the present period of incarceration involving acts of violence or threats of violence;

g. Initiated or participated in a contraband trafficking operation involving negotiables, escape paraphernalia [other than items listed in sub-subparagraph (2)(a)2.h.], or other items that present a threat to the safe and secure operation of the institution or facility;

h. Presents a risk to another inmate's safety and well being in population, as identified by an act or acts which demonstrates an inability to live in general population without endangering others;

i. Is currently CMIII and shows an inability to adjust as evidenced by subsequent major rule violation(s).

(c) Close Management III.

1. CMIII is the least restrictive cell housing unit in close management.

2. Any of the following factors constitutes a basis for placement of an inmate in CMIII Status:

a. An escape or an escape attempt, or a documented history of escape from a non-secure facility or environment without violence, weapons, outside assistance, or the arrest for any other felony while on escape;

b. Assisting or aiding in an escape or an escape attempt;

c. A history of disciplinary action or institutional adjustment reflecting an inability to live in the general inmate population without disrupting the operation of the institution;

d. Participation in a predatory or aggressive act through the use of force or intimidation;

e. Participation in a riot or disorder by refusing to follow orders or staff;

f. Possession of unauthorized drugs, testing positive for drugs on a urinalysis test, possession of negotiables, escape paraphernalia [except items listed in sub-subparagraph (2)(a)2.j.], or other items that present a threat to the safe and secure operation of the institution or facility; and

g. Validated membership in a security threat group that has been certified by the threat assessment review committee in central office.

(3) Procedures for Placement in Close Management.

(a) Close management is the confinement of an inmate apart from the general population, for reasons of security, or the order and effective management of the institution, where the inmate, through his or her behavior, has demonstrated an inability to live in the general population without abusing the

rights and privileges of others. The secretary shall designate which institutions are authorized to house close management inmates, based on the needs of the department.

(b) When an inmate in general population has committed acts that threaten the safety of others, threaten the security of the institution, or demonstrate an inability to live in the general population without abusing the rights and privileges of others, the inmate shall be placed in administrative confinement pending close management review. When an inmate in any other confinement status has committed acts that threaten the safety of others, threaten the security of the institution, or demonstrated an inability to live in a segregated population without abusing the rights and privileges of others the inmate shall be housed in his or her current status pending close management review. Inmates being considered for close management who have completed disciplinary confinement and the final decision regarding close management placement has not been determined will be housed in administrative confinement until the review and decision is made by the SCO.

(c) The classification officer shall complete section I of the Report of Close Management, Form DC6-233C. Form DC6-233C is incorporated by reference in subsection (19) of this rule. Upon completion of section I, the classification officer shall forward Form DC6-233C to the classification supervisor. The classification officer shall ensure that the inmate receives a copy of the Report of Close Management, Form DC6-233C, to prepare for the close management review. The inmate will be given a minimum of 48 hours to prepare for the review unless waived by completing a Close Management Waiver, Form DC6-265. Form DC6-265 is incorporated by reference in subsection (19) of this rule. The inmate may present information verbally or in writing for consideration by the ICT. The staff member delivering Form DC6-233C to the inmate shall document on Form DC6-233C that the inmate was informed of his or her allotted time to prepare for the review.

(d) Prior to docketing an inmate's case for close management review, the classification supervisor will submit a referral to the senior psychologist for evaluation of the inmate utilizing the Close Management Referral Assessment, Form DC6-128. Form DC6-128 is incorporated by reference in subsection (19) of this rule.

(e) Mental health staff will complete the close management referral assessment within five working days of receipt and return it to the classification supervisor.

(f) Upon receiving the completed close management referral assessment, the classification supervisor will submit the case for ICT Docket.

(g) ICT Hearing. The ICT shall evaluate the recommendations for close management placement and the mental health assessment, interview the inmate, and consider the information provided by the inmate. The ICT shall ensure that the inmate was given a minimum of 48 hours to prepare for the review unless waived by completing a Close

Management Waiver, Form DC6-265. The team shall document on Form DC6-233C that the inmate was allowed at least 48 hours to prepare for the review. The ICT shall inquire whether or not the inmate is in need of staff assistance. A staff assistant shall be assigned to assist an inmate when the team determines that the inmate is illiterate or does not understand English, has a disability that would hinder the inmate's ability to represent him or herself, or when the complexity of the issue makes it unlikely that the inmate will be able to properly represent him or herself. This assistance can also be provided at the inmate's request. In such event, it is the responsibility of the staff member to explain the close management recommendation and procedures to the inmate. Even though the staff member will be authorized to assist an inmate during the hearing and aid the inmate in presenting his or her position, the staff member shall not take the position of an advocate or defense attorney for the inmate. The ICT is authorized to postpone the case review to allow an inmate additional time to prepare. If an extension of time is given, the team shall document the postponement on Form DC6-233C. The inmate will appear at the hearing unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process or the inmate waives his or her right to be present at the close management hearing. If the inmate waives his or right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal, or presence of the inmate will be documented on Form DC6-233C. After the interview and review of all pertinent information including the mental health assessment, the ICT will make a recommendation to the SCO. This recommendation will be documented on Form DC6-233C. The ICT will inform the inmate of the basis for its decision and provide a copy of the team's decision to the inmate after the conclusion of the hearing. The ICT classification member will ensure that the team results are entered in OBIS.

(h) The SCO will review the recommendations of the ICT, the Close Management Referral Assessment, Form DC6-128, and other pertinent information before making the final decision regarding close management placement. This review will be on site and the SCO may interview the inmate, except in situations requiring more immediate action. In these cases, the SCO will review the documentation in OBIS. The SCO will approve, disapprove, or modify the ICT's recommendation or obtain further information from the team before reaching a final decision. If the team's recommendation is disapproved or modified by the SCO, the inmate will be informed of the decision in writing by the SCO. Inmate notification will not be required when the SCO has approved the ICT's recommendation. After the review is complete, the SCO will document its decision in OBIS. A copy of Form DC6-233C will be kept in the inmate record file.

(4) Transfers From a Non-CM Institution.

(a) Once a CM recommendation is made, the ICT will also enter a transfer recommendation in OBIS.

(b) The inmate will remain in administrative or current confinement status pending review and final decision of the SCO. If the inmate's release date from disciplinary confinement expires, the inmate shall be placed in administrative confinement until the review and decision is made by the SCO.

(c) If placement in CM is approved, the SCO will document its decision in OBIS and notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate CM facility.

(d) If the CM recommendation is disapproved, the SCO will determine if a transfer for other management reasons should be approved. The SCO will document its decision in OBIS. If a transfer is approved, the SCO will notify the Bureau of Sentence Structure and Transportation for future transfer of the inmate to an appropriate non-CM facility.

(5) Transfers While Inmate is in CM Status.

(a) If an inmate in close management is reassigned to another level of close management which requires transfer to another institution, the time spent awaiting transfer will be taken into consideration when setting the schedule of reviews by the ICT at the receiving institution.

(b) To transfer an inmate in close management status to another close management facility, the following will occur:

1. The ICT from the sending institution will recommend the appropriate level of close management based upon the criteria and facts for placement prior to the transfer.

2. Transfers will be limited to those inmates in close management:

a. Who are being recommended for a close management level that the sending institution is not capable of providing, based on institutional mission or close management stratification issues, or

b. Situations that involve special reviews. Inmates with protection or threat reviews involving inmates housed at the same CM facility will be handled within the CM unit and, unless exceptional circumstances exist, will not be transferred from one CM institution to another based solely on these reviews, or

c. Situations that require an inmate to be moved to a higher level facility.

(c) The recommendation by the ICT to transfer a close management inmate will be decided by the SCO. If approved, the SCO will submit notification to the Bureau of Sentence Structure and Transportation for transfer of the inmate. The receiving institution shall then place the inmate directly into the approved close management status without completing an additional evaluation.

(d) If the transfer recommendation is disapproved, the SCO will provide written notification to the ICT of the requesting institution of its decision not to transfer.



(e) After the review is complete, the SCO will document its decision in OBIS.

(6) Close Management Facilities.

(a) The number of inmates housed in a close management cell will not exceed the number of bunks in the cell.

(b) The only exception to paragraph (6)(a) is during an emergency situation as declared by the warden or duty warden. The emergency will be made known to the regional director and to the emergency action center in the central office. If the exception exists in excess of 24 hours, the warden or duty warden must get specific authorization from the regional director to continue to house inmates beyond the 24 hour period in such conditions.

(c) Prior to placing inmates in the same cell, the inmate will be interviewed by the housing supervisor and a review will be initiated to determine if any of the inmates in the close management unit are a threat to the inmate being placed, or if the inmate being placed is a threat to other inmates in the unit.

(d) If the inmate cannot be placed for these reasons, the housing supervisor will place or maintain the inmate in administrative confinement until the issue can be expeditiously resolved. The case will be immediately forwarded to the ICT for review. The ICT will review the case, interview the inmate, and forward recommendations to the SCO. The SCO will review the case and may interview the inmate and make a final decision on the inmate's placement.

(e) Water Supply to CM Units. All close management cells will be equipped with toilet facilities and running water for drinking and other sanitary purposes. Water in the cell can be turned off when necessary due to misbehavior. Misbehavior is defined as any activity exhibited by an inmate which causes an interruption in the water system and its proper function, such as intentionally clogging a toilet bowl or sink with paper in order to then flood the housing area. It also includes the intentional misuse of the water for such purposes as throwing it on staff or other inmates, or mixing it with another substance for an unauthorized purpose (inmate mixes water with soap or shampoo and applies to the floor or himself or herself to hinder cell extraction). In such event, the inmate will be furnished with an adequate supply of drinking water by other means to prevent dehydration. This action can be taken in addition to formal disciplinary action being taken against the inmate pursuant to established procedures regarding disciplinary action. Any misbehavior from an inmate and subsequent action by security staff will be documented on the Daily Record of Special Housing, Form DC6-229. Form DC6-229 is incorporated by reference in subsection (19) of this rule.

(f) Prior to placement of an inmate in a close management cell, the cell will be thoroughly inspected by the housing officer to ensure that it is in proper order. The housing officer shall document the cell's condition on Form DC6-221, Cell

Inspection. After such time, the inmate housed in that cell will be responsible for the condition of the cell. Form DC6-221 is incorporated by reference in subsection (19) of this rule.

(g) The close management cells will be physically separate from other confinement cells whenever possible given the physical design of the facility and the number of inmates housed in a close management cell shall not exceed the number of bunks in the cell. Whenever such location is not possible, physical barriers shall be placed to preclude the cross association of those in close management with those in other statuses. Close management cells shall be built to permit verbal communication and unobstructed observation by the staff.

(h) Inmates shall be weighed upon entering close management, at least once a week while in close management, and upon leaving close management. The weight of the inmate shall be documented on Form DC6-229, Daily Record of Special Housing.

(7) Individualized Service Plan (ISP).

(a) The multi-disciplinary services team will develop an ISP, Form DC4-643A, when deemed necessary by mental health staff. Form DC4-643A is incorporated by reference in subsection (19) of this rule.

(b) The ISP will be developed based on the inmate's needs assessment and will take into consideration the inmate's behavioral risk, as determined by the MDST in accordance with subsection (8) of this rule.

(c) The ISP will incorporate mental health, programs, and other services required to address identified problems and to prevent the development or exacerbation of mental and other adjustment problems.

(d) An ISP shall be established within 14 days of CM placement of each inmate who suffers from mental impairment, or who is at significant risk for developing such impairment, as determined by mental health staff.

(e) If an ISP exists at the time of CM placement, it shall be updated within 14 days of CM placement to reflect current problems, goals, services, and providers. The ISP shall also be updated within 14 days of an inmate's transfer between CM institutions.

(f) The MDST shall review, and if indicated, revise the ISP as needed, but not less frequently than the following:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 30 days of establishing or updating an ISP.

3. 120 days after the initial (30) day review.

4. Every 180 days after the 120 day review, until mental health staff determines that ongoing mental health care is no longer necessary, at which time the ISP will be closed.

(g) The ISP shall be signed by each member of the MDST.

(8) Behavioral Risk Assessment.

(a) The MDST shall determine behavioral risk of each CM team decision inmate by completing the Behavioral Risk Assessment (BRA), Form DC4-729. Form DC4-729 is incorporated by reference in subsection (19) of this rule.

(b) Behavioral risk shall be determined as follows:

1. Within three working days of the inmate's involvement in a critical event.

2. Within 14 days of CM placement.

3. Within 120 days of the initial (14 day) assessment; and every 180 days thereafter.

(c) The BRA shall be completed at the above intervals regardless of S-grade or housing assignment, including, for example, when the CM inmate is housed outside the CM unit in order to access necessary medical or mental health care.

(d) Security shall consider results from the behavioral risk assessment and other information relevant to staff and inmate safety and institutional security in determining the level of restraints required during out-of-cell activities such as individual or group counseling.

(e) The ICT shall consider results from the behavioral risk assessment and other information relevant to institutional adjustment, staff and inmate safety, and institutional security when making recommendations for modification of the inmate's CM status.

(f) The SCO shall consider results from all behavioral risk assessments and all results from mental health evaluations that have been completed since the inmate's last formal assessment and evaluation, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security in its review of ICT recommendations made after CM placement.

(9) Mental Health Services.

(a) Chapter 33-404, F.A.C., Mental Health Services, shall apply to CM inmates except where otherwise specified herein.

(b) CM inmates shall be allowed out of their cells to receive mental health services as specified in an ISP unless, within the past 4 hours, the inmate has displayed hostile, threatening, or other behavior that could present a danger to others. Security staff shall determine the level of restraint required while CM inmates access services outside their cells.

(10) Conditions and Privileges in CM Units.

(a) Clothing – Inmates in close management shall be provided the same clothing and clothing exchange as the general inmate population unless there are facts to suggest that on an individual basis exceptions are necessary for the welfare of the inmate or the security of the institution. In such cases, the exceptions shall be documented on Form DC6-229 and approved by the chief of security. Shower slides may be substituted for regulation shoes. Any item may be removed from the cell in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment. If an inmate's clothing is removed, a modesty garment shall be immediately obtained and given to the inmate. If the inmate chooses not to wear the garment, the

garment shall be left in the cell and this action shall be documented on Form DC6-229, Daily Record of Special Housing. Under no circumstances shall an inmate be left without a means to cover him or herself.

(b) Bedding and linen – Bedding and linen for inmates in close management shall be issued and exchanged the same as is provided to the general inmate population. Any exceptions shall be based on potential harm to individuals or a threat to the security of the institution. The shift supervisor or the senior correctional officer must approve the action initially. Such exceptions shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to action no later than the next working day following the action.

(c) Personal Property – Inmates shall be allowed to retain personal property including stamps, watches, rings, writing paper, envelopes and health and comfort items unless there is an indication of a security problem. Close management inmates at all levels shall be allowed to possess a "walkman" type radio with approved headphones as is allowed for general population inmates. Exceptions or removal of any item will be documented on the Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, will be completed by security staff and signed by the inmate designating what personal items were removed. The original will then be placed in the inmate's property file and a copy of the form will be given to the inmate for his or her records. If items of clothing, bedding or personal property are removed in order to prevent the inmate from inflicting injury to him or herself or others, to prevent the destruction of property or equipment, or to prevent the inmate from impeding security staff from accomplishing functions essential to the unit and institutional security, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. Form DC6-220 is incorporated by reference in Rule 33-602.220, F.A.C.

(d) Comfort Items – Inmates in close management shall be permitted personal hygiene items and other medically needed or prescribed items such as eye glasses or hearing aids, except when security requirements dictate otherwise. Inmates in close management shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol. In the event certain items that inmates in close management are not normally prohibited from possessing are removed, the senior correctional officer shall be notified and must approve the action taken, or the item must be returned to the inmate. Action taken shall be recorded on the Daily Record of Special Housing, Form DC6-229, which must be reviewed by the chief of security. When any personal property is removed, an Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be

completed by security staff and signed by the inmate. The following comfort items shall be provided as a minimum: toothbrush, toothpaste, bar of soap, towel or paper towels, and feminine hygiene products for women, and toilet tissue.

(e) Personal Hygiene – Inmates in close management shall meet the same standards in regard to personal hygiene as required of the general inmate population.

1. At a minimum each inmate in close management shall shower three times per week and on days that the inmate works.

2. Male inmates shall be required to shave at least three times per week. The possession and use of shaving powder in close management is prohibited. An inmate housed in close management who is medically exempt from using shaving razors will be clipper-shaved at least three times per week.

3. Hair care shall be the same as that provided to and required of the general population inmates.

(f) Diet and Meals – All inmates in close management shall receive normal institutional meals as are available to the general inmate population except that if any item on the regular menu might create a security problem in the close management area, then another item of comparable quality shall be substituted. An alternative meal (special management meal) may be provided for any inmate in close management who uses food or food service equipment in a manner that is hazardous to him or herself, staff, or other inmates. The issuance of a special management meal will be in strict accordance with Rule 33-602.223, F.A.C. Any deviation from established meal service is to be documented by security staff on the Daily Record of Special Housing, Form DC6-229.

(g) Canteen Items.

1. Inmates in CMI and II, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once per week unless restricted by disciplinary action. Inmates in CMI and II will be allowed to purchase up to five non-food items and five food items. In making this determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three security pens counts as three items, not one item. Twenty-five stamps or fewer will count as one item and two packages or less of notebook paper will count as one item.

2. Inmates in CMIII, following 30 days in close management status and having no major rule violations during this period, will be allowed to make canteen purchases through canteen order once each week unless restricted by disciplinary action. Inmates in CMIII will be allowed to purchase up to five non-food items and ten food items. In making the determination, with the exception of stamps and notebook paper, it is the number of items that is counted not the type of item. For example, three packages of cookies count as three items, not one item.

3. Any disciplinary reports received by an inmate in which there is a guilty finding and placement in disciplinary confinement or suspension of canteen privileges between the time that he or she requests canteen food items and the delivery of those items will result in disapproval of the requested items.

4. CM inmates who submit an order for canteen items and then refuse delivery shall be subject to disciplinary action and loss of canteen privileges.

(h) Religious Accommodations – Inmates in close management status shall be allowed to participate in religious ceremonies that can be accomplished at cell-side (for example, communion). Additionally, close management inmates shall be allowed to possess religious publications as defined in Rule 33-503.001, F.A.C., literature and have access to a spiritual advisor or clergy visit with citizen clergy persons at a time and location approved by the warden. Religious publications shall not count toward the limit on personal book possession set forth in paragraph (10)(l) but do fall under the storage space provisions of Rule 33-602.201, F.A.C.

(i) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with certified inmate law clerks ~~research aides~~. Although the inmate may not be represented by an attorney at any administrative hearing under this rule, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes from the canteen for this purpose, within the stated time frames. ~~Typewriters or typing services are not considered required items and will not be permitted in close management cells.~~ Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/ reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified inmate law clerk ~~research aide~~ for the purpose of preparing legal documents, legal mail, and filing grievances.

(j) Correspondence – Inmates in close management shall have the same opportunities for correspondence that are available to the general inmate population.

(k) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. Inmates shall

be allowed to purchase security pens within the specified time frames. An inmate who has been provided a "writer/reader" will be allowed access to such for the purpose of reading and preparing correspondence.

(l) Reading materials – Reading materials, ~~including scriptural or devotional materials and books that are in compliance with admissibility requirements,~~ are allowed in close management units unless there is an indication of a threat to the safety, security, or sanitation of the institution. An inmate shall be limited to possession of three personal soft cover books. If it is determined that there is a safety, security or sanitation risk, the items will be removed. Such removal of reading materials will be documented on Form DC6-229, Daily Record of Special Housing. If items are removed in order to prevent the inmate from inflicting injury to him or herself or others or to prevent the destruction of property or equipment, staff shall re-assess the need for continued restriction every 72 hours thereafter. The warden, based on this assessment, will make the final determination on the continued denial or return of the items. The items will be returned to the inmate when no further behavior or threat of behavior of the type leading to the restriction has occurred. An inmate who receives services from the Bureau of Braille and Talking Book library will be allowed to have his tape player, devotional or scriptural material tapes, and other books on tape which are in compliance with Rule 33-501.401, F.A.C.

(m) Exercise – Those inmates confined on a 24-hour basis excluding showers and clinic trips may exercise in their cells. If the inmate requests a physical fitness program handout, the wellness specialist or the close management officer shall provide the inmate with an in-cell exercise guide and document such on the Daily Record of Special Housing, Form DC6-229. However, an exercise schedule shall be implemented to ensure a minimum of six hours per week (two hours three days per week) of exercise out of doors. The assignment and participation of an inmate on the restricted labor squad or other outside work squad required to work outside at least one day per week will satisfy the minimum exercise requirements for the week. Such exercise periods shall be documented on Form DC6-229. The ICT is authorized to restrict exercise for an individual inmate only when the inmate is found guilty of a major rule violation as defined in this rule, or if the inmate has pending a disciplinary hearing for a major rule violation as defined in this rule. Inmates shall be notified in writing of this decision and may appeal through the grievance procedure. The denial of exercise shall be for no more than 15 days per incident and for no longer than 30 days in cumulative length. Medical restrictions determined by health services staff can also place limitations on the amount and type of exercise permitted. Such restrictions of exercise periods will be documented on the Daily Record of Special Housing, Form DC6-229. A disabled inmate who is unable to participate in the normal exercise program will have an exercise program developed for him that will accomplish the need for exercise

and take into account the particular inmate's limitations. Close management inmates shall be allowed equal access to outdoor exercise areas with exercise stations.

(n) At a minimum, wellness services for close management inmates at all levels shall be provided through cell-front tutoring, wellness puzzles, and the wellness education course.

(11) Programs and Privileges in Close Management Units.

(a) While in a close management unit, an inmate's movement within the institution and contacts with other individuals will be restricted. Privileges will also be limited depending on the specific close management level. If an inmate transfers to a less restrictive level due to satisfactory adjustment, the adjustment period required for any privilege shall be waived. Upon placement in CM, inmates shall receive a copy of the Close Management Housing Unit Instructions, Form NI1-046. Form NI1-046 is incorporated by reference in subsection (19) of this rule.

(b) CMI. Privileges for an inmate assigned to CMI are as follows:

1. Participation in available approved programs, including in-cell educational opportunities, that the inmate can perform within the cell unless precluded by safety or security concerns;

2. Check out three soft-back books from the library at least once per week and possess no more than three soft back library books at any given time. An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out three books in braille or on tape per week and possess no more than three books at any given time, even though the actual number of tapes may be more than three per book. Books checked out from the library shall not count toward the limit on personal book possession set forth in paragraph (10)(l);

3. Conduct routine inmate bank transactions;

4. Inmates may subscribe to, purchase, or receive no more than one periodical which is printed and distributed more frequently than weekly and four other periodicals which are printed and distributed weekly or less frequently than weekly. ~~Subscribe to one magazine and newspaper and possess no more than four issues of each at any given time;~~ an inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to receive up to four issues of a periodical magazine;

5. Make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 30 days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and telephone calls to an attorney as explained in Rule 33-602.205, F.A.C.;

6. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMI inmates shall be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMI, the inmate is eligible to be considered for visits 30 days following release from disciplinary confinement or the disciplinary hearing, if a penalty other than disciplinary confinement was imposed.

c. The inmate is eligible to receive one two-hour non-contact personal visit by appointment after each subsequent 30 day period with no major rule violations while in the status unless security or safety concerns would preclude a visit.

d. All visits for CMI inmates will be non-contact visits.

(c) CMII. In addition to the programs provided for CMI inmates and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMII inmates will be eligible to receive one two-hour non-contact personal visit by appointment:

a. After completing 30 days in close management status and having no major rule violations during this period.

b. If found guilty of any major rule violations while assigned to CMII, the inmate is eligible to be considered for a visit 30 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

c. The inmate is eligible to receive personal visits by appointment after each subsequent 14 day period with no major rule violations while in the status unless security and safety concerns would preclude a visit.

d. All visits for inmates in CMII will be non-contact visits.

2. CMII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every 14 days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

3. CMII inmates, following 30 days in close management status and having no major rule violations during this period, shall be allowed access to the day room area for social purposes to include watching television programs for up to two days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMII inmates will be restrained during the above-described dayroom access unless determined by the senior correctional officer that the inmate can safely participate without restraints.

4. Participation in educational and program opportunities shall be in-cell or out of cell as determined by security and programs staff.

(d) CMIII. In addition to the programs provided above for CMI inmates, and those privileges outlined in subparagraphs (11)(b)1.-4. of this rule, the following privileges are authorized:

1. CMIII inmates will be entitled to:

a. Unless restricted pursuant to Rule 33-601.731, F.A.C., CMIII inmates shall be eligible to receive one two-hour contact personal visit by appointment after completing 30 days in close management status and having no major rule violations during this period.

b. CMIII inmates shall be subject to placement on non-contact status as outlined in Rule 33-601.735, F.A.C.

c. If found guilty of a major rule violation while assigned to CMIII, the inmate is eligible to be considered for visits 14 days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed.

d. The inmate is eligible to receive one two-hour contact personal visit by appointment after each subsequent 14 day period with no major rule violations during this period unless security or safety concern would preclude a visit. The warden will determine the level of supervision and restraint required.

2. CMIII inmates, following 30 days in close management status and having no major rule violations during this period shall be allowed access to the day room area for social purposes to include watching television programs for up to five days per week, not to exceed 4 hours per occasion or to extend beyond 10:00 p.m. This is allowed only when it does not conflict with organized program activities. The number of participants at any one time will be determined by the senior correctional officer in consultation with the duty warden. This determination will be based on considerations such as day room size, availability of seating, and safety and security issues associated with the availability of supervising staff as well as staff available for response should a problem develop. CMIII inmates shall not be restrained for dayroom activities unless security or safety concerns require otherwise.

3. CMIII inmates shall be allowed to make one telephone call of the length allowed by Rule 33-602.205, F.A.C., every seven days after 30 days in close management status and having no major rule violations during this period as well as emergency telephone calls and calls to attorneys as provided in Rule 33-602.205, F.A.C.

4. CMIII inmates shall be provided with at least the same opportunities for educational and program participation as provided to CMII inmates.

(12) Suspension of Privileges. The ICT shall suspend an inmate's privileges if security and safety concerns would preclude an inmate from receiving certain privileges. Any action taken by the ICT regarding the suspension or limiting of

privileges will be documented on the Daily Record of Special Housing, Form DC6-229. Privileges suspended by the ICT in excess of 30 days will require the review and approval of the SCO.

(13) Work Assignments.

(a) The decision to make work assignments and the type of assignments made will be determined by the ICT. Inmates shall be provided the opportunity for work assignment consideration as determined by the ICT except when precluded by doctor's orders for medical reasons.

(b) CMI inmates are restricted from all outside cell work activities. CMII inmates are only eligible for work assignments on restricted labor squads or in CMI, II, or death row housing units. CMIII inmates are eligible for work assignments either inside or outside the close management unit, including restricted labor squads, work assignments within other close management units, and work assignments usually designated for open population inmates.

(c) Outside work assignments shall be performed during day light hours.

(14) Restraint and Escort Requirements.

(a) CMI.

1. Prior to opening a cell for any purpose, including exercise, health care or disciplinary call-outs, telephone calls, recreation, and visiting, the inmate shall be handcuffed behind his or her back. If documented medical conditions require that the inmate be handcuffed in front, waist chains will be used in addition to the handcuffs and the escort officers shall be particularly vigilant.

2. A minimum of two officers shall be physically present at the cell whenever the cell door is opened.

3. Prior to escorting an inmate from a cell the inmate shall be thoroughly searched. If the inmate is being taken outside the immediate housing unit or designated adjacent exercise area, leg irons and other restraint devices shall be applied.

(b) CMII. The same restraints and escort requirements as provided for CMI inmates above apply to CMII inmates with the exception that the senior correctional officer shall be authorized to approve unrestrained participation in group and individual counseling, dayroom access, and inside work assignments.

(c) CMIII. Unless precluded by specific safety and security concerns, CMIII inmates shall be escorted within the unit and to exercise areas attached to the unit as well as to all program and privilege activity participation without restraints. The warden shall base any determination to require restraints on the security and safety needs of his or her individual institution and CM unit.

(d) Due to the unique mission of close management units, it is understood that more than one inmate may be out of his or her cell within the unit at any one time. However, whenever inmates are being escorted in restraints, there shall be one officer with each inmate and the inmates shall be kept at a

distance from each other which would preclude any unauthorized physical contact. Extreme care shall be exercised when escorting restrained inmates in areas where unrestrained inmates are present. When possible, unrestrained inmates will be returned to their cells, removed from the wing or, at a minimum, closely supervised by additional staff until the escort of restrained inmates is completed.

(15) Contact by Staff. The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in Rule 33-602.220, F.A.C. The staff member shall also document his or her visit on the Daily Record of Special Housing, Form DC6-229, if there is any discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

(a) At least every 30 minutes by a correctional officer, but on an irregular schedule.

(b) Daily by the housing supervisor.

(c) Daily by the officer-in-charge on duty for all shifts except in case of riot or other institutional emergency.

(d) Daily by medical staff.

(e) Weekly by the chief of security (when on duty at the facility) except in case of riot or other institutional emergency.

(f) Weekly by the chaplain. More frequent visits shall be made upon request of the inmate if the chaplain's schedule permits.

(g) Weekly by mental health staff.

(h) Weekly by the warden and assistant wardens.

(i) At least once a week by a classification officer.

(16) Review of Close Management.

(a) An ICT member shall review inmates in close management at least once every week for the first 60 days and once every 30 days thereafter. For the purposes of this review the ICT member shall be the warden, assistant warden for operations or programs, a chief of security, or classification supervisor. The purpose of this review shall be toward reducing the inmate's status to the lowest management level or returning the inmate to general population as soon as the facts of the case indicate that this can be done safely, and, if applicable, review the inmate's disciplinary confinement status as outlined in subsection 33-602.222(8), F.A.C. If, upon completion of the ICT member's weekly or 30 day review, an ICT review for modification of the close management team decision, release to general population, or release from disciplinary confinement status is indicated, the ICT member shall notify the classification supervisor. The classification supervisor shall ensure that the case is placed on the docket for ICT review. During the review, the ICT shall consider the results of the behavioral risk assessments and mental health

evaluations that have been completed prior to the review, and other information relevant to institutional adjustment, staff and inmate safety, and institutional security.

(b) All services provided by any mental health or program staff member shall be recorded on the Daily Record of Special Housing, Form DC6-229, which shall be kept in the CM unit.

(c) When an inmate has not been released to general population and is in any close management status for six months, the classification officer shall interview the inmate and shall prepare a formal assessment and evaluation on the Report of Close Management. Such reports shall include a brief paragraph detailing the basis for the CM team decision, what has transpired during the six-month period, and whether the inmate should be released, maintained at the current level, or modified to another level of management. The case shall be forwarded to the classification supervisor who shall docket the case for ICT review.

(d) The ICT shall review the report of close management prepared by the classification officer, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security, and insert any other information regarding the inmate's status. If applicable, the ICT shall review the inmate's disciplinary confinement status in accordance with subsection 33-602.222(8), F.A.C. The inmate shall be present for an interview unless he or she demonstrates disruptive behavior, either before or during the hearing, that impedes the process, or the inmate waives his or her right to be present at the close management hearing, the Close Management Waiver, Form DC6-265, shall be completed. In such cases, the review will be completed without the inmate. The absence, removal or presence of the inmate will be documented on Form DC6-233C. The ICT's CM and, if applicable. Disciplinary confinement status recommendations shall be documented in OBIS and the Report of Close Management, Form DC6-233C. If it is determined that no justifiable safety and security issues exists for the inmate to remain in close management the ICT shall forward their recommendation for release to the SCO for review. For an inmate to remain in close management the ICT shall justify the safety and security issues or circumstances that can only be met by maintaining the inmate at the current level or modifying the inmate to another level of management.

(e) The SCO shall conduct an onsite interview with each inmate at least once every six months or as often as necessary to determine if continuation, modification, or removal from close management status is appropriate. The SCO shall review all reports prepared by the ICT concerning an inmate's close management and, if applicable, disciplinary confinement status, consider the results of behavioral risk assessments and mental health evaluations and other information relevant to institutional adjustment, staff and inmate safety, and institutional security. The SCO shall interview the inmate

unless exceptional circumstances exist or the inmate is approved for release to general population. If it is determined that no justifiable safety and security issues exist for the inmate to remain in close management the SCO shall cause the inmate to be immediately released. For an inmate to remain in close management, the SCO shall determine based on the reports and documentation that there are safety and security issues or circumstances for maintaining the inmate at the current level or at a modified level of management. If applicable and in accordance with subsection 33-602.222(8), F.A.C., the SCO shall determine whether the inmate is to continue or be removed from disciplinary confinement status. The SCO's decisions shall be documented in OBIS and the Report of Close Management, Form DC6-233C. The SCO shall advise the inmate of its decision.

(f) Reviews required by this section shall be completed regardless of the inmate's housing assignment, including when a CM inmate is housed outside the CM unit in order to access medical or mental health care.

(g) Before an inmate ~~who has been convicted, regardless of whether adjudication is withheld, of any assault or battery that constitutes a felony on a staff member~~ is released from CM, written authorization must be obtained by the SCO from the Secretary, Deputy Secretary, ~~or~~ Assistant Secretary ~~of~~ ~~for~~ Institutions, ~~or Deputy Assistant Secretary of Institutions.~~ if any of the following apply:

1. The inmate has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member;

2. The inmate has an active detainer as a result of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member; or

3. The inmate is confined under the Interstate Corrections Compact and has been convicted, regardless of whether adjudication is withheld, of any assault or battery, or any attempted assault or battery, that constitutes a felony on a staff member in the state from which he transferred.

(17) Close Management Records.

(a) A Report of Close Management, Form DC6-233C, shall be kept for each inmate placed in close management.

(b) A Daily Record of Special Housing, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, outdoor exercise, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall be contacted within 24 hours if any item is removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or

removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. Staff shall re-assess the need for continued restriction every 72 hours thereafter as outlined in subsection (10) of this rule. The close management unit officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate by a member of the ICT, Form DC6-229 shall be forwarded to classification to be filed in the institutional inmate record.

(c) A Daily Record of Special Housing – Supplemental, Form DC6-229B, shall be completed and attached to the current Form DC6-229 whenever additional written documentation is required concerning an event or incident related to the specific inmate.

(d) An Inspection of Special Housing Record, Form DC6-228, shall be maintained in each close management unit. Each staff person shall sign the record when entering and leaving the close management unit. Prior to leaving the close management unit, each staff member shall indicate any specific problems. No other unit activities will be recorded on Form DC6-228. Upon completion, Form DC6-228 shall be maintained in the housing area and forwarded to the chief of security on a weekly basis where it shall be maintained on file pursuant to the current retention schedule.

(e) A Housing Unit Log, Form DC6-209, shall be maintained in each close management unit. Officers shall record all daily unit activities on Form DC6-209, to include any special problems or discrepancies noted. The completed Form DC6-209 shall be forwarded daily to the chief of security for review.

(18) Staffing Issues.

(a) Officers assigned to a close management unit shall be reviewed every 18 months by the chief of security to determine whether a rotation is necessary. The chief of security shall review personnel records, to include performance appraisals, incident reports, uses of force, and any other documentation relevant to the officer's assignment and job performance; interview the officer and the officer's supervisors for the period of review; and shall make a recommendation to the warden as to the necessity of a rotation. The warden shall review the recommendation, request additional information, if necessary, and make the final determination as to whether the officer continues in the current assignment or is rotated to another assignment. Any officer assigned to a close management post shall be authorized a minimum period of five days annual leave or a five day assignment to a less stressful post every six months.

(b) The Inspector General shall notify the warden and regional director of any officer involved in eight or more use of force incidents in an 18 month period. The regional director shall review the circumstances for possible reassignment.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC6-128, Close Management Referral Assessment, effective date ~~4-8-04~~.

(b) Form DC4-643A, Individualized Service Plan, effective date 8-23-07.

(c) Form DC6-221, Cell Inspection, effective date 12-16-01.

(d) Form DC6-228, Inspection of Special Housing Record, effective date 2-12-01.

(e) Form DC6-229, Daily Record of Special Housing, effective date 4-27-08.

(f) Form DC6-229B, Daily Record of Special Housing – Supplemental, effective date 4-27-08.

(g) Form DC6-233C, Report of Close Management, effective date 4-8-04.

(h) Form DC6-265, Close Management Waiver, effective date 2-1-01.

(i) Form DC4-729, Behavioral Risk Assessment, effective date 4-8-04.

(j) Form DC6-209, Housing Unit Log, effective date 4-8-04.

(k) Form NI1-046, Close Management Housing Unit Instructions, effective date 3-10-05.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-1-01, Amended 12-16-01, 4-8-04, 3-10-05, 4-9-06, 8-23-07, 4-27-08, \_\_\_\_\_.

Editorial Note: Formerly 33-601.801-.813, substantially amended February 1, 2001.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.901  
 RULE TITLE: Confidential Records

PURPOSE AND EFFECT: The proposed rule amendment deletes those provisions related to medical and substance abuse files as those sections are being moved to a new Rule 33-401.701, F.A.C., Medical and Substance Abuse Clinical Files.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 FS.



IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

1. Definitions.

a. ~~“Medical record” as used in this rule includes the inmate’s medical, mental health, and dental files maintained by the department.~~

b. ~~“Protected health information” or “PHI” as used in this rule means individually identifiable health information about an inmate or offender.~~

c. ~~“Psychotherapy notes” as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

d. ~~“Substance abuse clinical record” as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate’s substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.~~

e. ~~“Substance abuse progress notes” as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

~~2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.~~

~~3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.~~

~~4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department’s records.~~

~~b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.~~

~~5. The request for access shall be denied in whole or in part due to any of the following reasons:~~

~~a. The request is for records or information identified in subparagraph 4. above.~~

~~b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.~~

~~c. The request is for information not maintained or no longer maintained by the department in its files.~~

~~d. There has been a determination by a licensed or certified health care professional that:~~

~~I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;~~

~~II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or~~

~~III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.~~

~~6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by~~

providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub-subparagraph 5.c. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.

(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.

(2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or

offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (8) No change.

(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:

1. The specific name or general designation of the program or person permitted to make the disclosure;

2. The name or title of the individual or the name of the organization to which disclosure is to be made;

3. The name of the inmate or offender;

4. The purpose of the disclosure;

5. How much and what kind of information is to be disclosed;

6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;

7. The date on which the consent is signed;

8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.

9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and

2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. The anticipated length of the treatment;

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) A disclosure may not be made on the basis of a consent which:

1. Has expired;

2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;

3. Is known to have been revoked; or

4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to

whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;

2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.

3. To communicate within a program or between a program and an entity having direct administrative control over that program;

4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;

5. Reports of suspected child abuse and neglect; and

6. If authorized by a court order.

(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.

~~(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.~~

~~Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USCS 290 ee 3, 45 CFR Parts 160 and 164. History-New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07, \_\_\_\_\_.~~

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-2.091                   Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend section 5.1 of the Water Use Permit Information Manual Part B, "Basis of Review" to specify when water use permittees are required to submit the Flow Meter Accuracy Verification Form, LEG-R.021.01(4/09), and incorporate the revised Basis of Review by reference. The effect will be to require the submittal of the Flow Meter Accuracy Verification Form, required every 5 years, during a specific month depending upon the county in which the permitted water withdrawal facilities are located.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting Compliance Forms.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, Office of General Counsel, 2379 Broad St., Brooksville, FL 34606-6899; (352)796-7211, x4660; 1(800)423-1476 (FL only).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40D-3.037                   Rules, Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to incorporate by reference a revised appendix to the Memorandum of Agreement Between the U.S. Environmental Protection Agency, Region IV, Superfund Division and the Southwest Florida Water Management District, which will add the Southern Solvents Superfund Site located in Hillsborough County to the list of sites under the agreement.

SUBJECT AREA TO BE ADDRESSED: Well Construction Regulation – Agreements Incorporated by Reference.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.103, 373.308, 373.309, 373.323, 373.324, 373.333 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, Office of General Counsel, 2379 Broad St., Brooksville, FL 34606-6899; (352)796-7211, x4660; 1(800)423-1476

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:	RULE TITLES:
40D-21.011	Policy and Purpose
40D-21.031	Elements of the Plan
40D-21.051	Definitions
40D-21.211	Monitoring Conditions
40D-21.221	Evaluating Water Conditions
40D-21.231	Declaring a Water Shortage
40D-21.251	Water Shortage Phases
40D-21.275	Implementing a Water Shortage Declaration
40D-21.281	Modifying or Rescinding a Water Shortage Declaration.
40D-21.331	Declaring a Water Shortage Emergency
40D-21.371	Water Use Restrictions in a Water Shortage Emergency
40D-21.391	Implementing a Water Shortage Emergency Declaration
40D-21.401	Monitoring
40D-21.421	Enforcement
40D-21.441	Public Supply Water Shortage Mitigation Plans.
40D-21.511	General
40D-21.531	Source Classifications
40D-21.541	Use Classifications
40D-21.571	Method of Withdrawal Classifications
40D-21.601	General
40D-21.621	Phase I: Moderate Water Shortage
40D-21.631	Phase II: Severe Water Shortage
40D-21.641	Phase III: Extreme Water Shortage
40D-21.651	Phase IV: Critical Water Shortage

**PURPOSE AND EFFECT:** The rulemaking is to update the District’s water shortage plan codified in Chapter 40D-21, F.A.C., based on the experience gained since declaration of the current water shortage by the District in January 2007.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the proposed rulemaking is amendments to the District’s water shortage plan codified in Chapter 40D-21, F.A.C. Amendments may address noticing of the declaration of a water shortage and associated water use restrictions, the hydrologic indicators to be used to assess whether to declare a water shortage or to change phases of a declared water shortage, the number and effect of water shortage phases and drought levels, the water use restrictions to be implemented during drought levels and phases of a water shortage, and other matters as appropriate to make the water shortage plan more effective.

**RULEMAKING AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.175, 373.275 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** April 29, 2010, 1:00 p.m.

**PLACE:** Southwest Florida Management District Tampa Service Office, Governing Board Room, 7601 Hwy 301 North, Tampa, FL 33637-6759

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009050), For additional information contact Lois Sorensen, Demand Management Program Manager, Tampa Regulation, 7601 Hwy 301 North, Tampa, FL 33637-6759, (813)985-7481, ext 2298  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NOS.:	RULE TITLES:
61-30.101	License Requirements
61-30.102	Examination
61-30.201	Fees
61-30.301	Delinquent License
61-30.302	Inactive, Active Status
61-30.401	License Renewal
61-30.501	Education Required for Initial Licensure
61-30.502	Department Approval of Education Providers
61-30.503	Obligations of Education Providers
61-30.504	Approval of Courses
61-30.505	Continuing Education Requirements for Reactivation of an Inactive License
61-30.506	Continuing Education Requirements for Biennial Renewal
61-30.602	Disciplinary Guidelines
61-30.603	Notice of Noncompliance
61-30.604	Citations
61-30.605	Mediation

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to implement the new regulations for Home Inspectors, enacted in Chapter 468, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Licensing and regulation of home inspectors in Florida under Section 468.83, F.S.

**RULEMAKING AUTHORITY:** 455.02(2), 455.213(6), 455.217(1)(d), 455.219(1), (2), 455.224(2), 455.225(3), 455.227(3), 455.235(1), 455.271(2), (3), (6)(b), (7), (8), 455.2124(2), 455.2177(1)(d), 455.2123, 455.2178(5), 455.2179(1), (3), 455.2273, 468.832, 468.8312(1), 468.8313(4), (6), 468.8314, 468.8315(2), 468.8316(1), (2), 468.8317(2), (3), 468.8319, 468.832 FS.

**LAW IMPLEMENTED:** 455.02, 455.212, 455.213, 455.217, 455.219, 455.224, 455.225, 455.227, 455.235, 455.271, 455.2124, 455.2177, 455.2178, 455.2179, 455.2273, 468.8312, 468.8313, 468.8314, 468.8315, 468.8316, 468.8317, 468.8319, 468.832 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Wednesday, May 5, 2010, 9:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Division of Professions, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Richard Morrison, Executive Director, Home Inspector Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61-31.101	License Requirements
61-31.102	Examination
61-31.201	Fees
61-31.301	Delinquent License
61-31.302	Inactive, Active Status
61-31.401	License Renewal
61-31.501	Department Approval of Education Providers
61-31.502	Obligations of Education Providers

61-31.503	Continuing Education Requirements for Reactivation of an Inactive License
61-31.504	Continuing Education Requirements for Biennial Renewal
61-31.505	Approval of Courses
61-31.602	Disciplinary Guidelines
61-31.603	Notice of Noncompliance
61-31.604	Citations
61-31.605	Mediation

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to implement the new regulations for mold related services enacted in Chapter 468, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Licensing and regulation of mold assessors and remediators in Florida under Section 648.84, F.S.

**RULEMAKING AUTHORITY:** 455.02(2), 455.213(6), 455.217(1)(b), (c), 455.219(1), (2), 455.224(2), 455.225(3), 455.227(3), 455.2123, 455.2235(1), 455.271(2), (3), (6)(b), (7), (8), 455.2124(2), 455.217(5), 455.2177(1), 455.2178(5), 455.2179(1), (3), 455.2273(3), 468.8412(1), 468.8413(5), 468.8414(2)(b), 468.8415(2), 468.8416(1), (2), (6)(b), 468.8417(2), (3), 468.8419, 468.842 FS.

**LAW IMPLEMENTED:** 455.02, 455.212, 455.213, 455.217, 455.224, 455.225, 455.227, 455.2124, 455.2235, 455.271, 455.2177, 455.2178, 455.2179, 455.2273, 468.8412, 468.8413, 468.8414, 468.8415, 468.8416, 468.8417, 468.8419, 468.842 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** Wednesday, May 5, 2010, 1:00 p.m.

**PLACE:** Department of Business and Professional Regulation, Division of Professions, Board Meeting Room, 1940 North Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Morrison, Executive Director, Mold Related Services Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Richard Morrison, Executive Director, Mold Related Services Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.015  
 RULE TITLE: Notices of Satisfactory Course Completion

PURPOSE AND EFFECT: To clarify and update language.  
 SUBJECT AREA TO BE ADDRESSED: Notices of Satisfactory Course Completion.  
 RULEMAKING AUTHORITY: 455.2123, 475.05 FS.  
 LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-9.001  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The rule amendment is to update the disciplinary guidelines pursuant to SB 1986/456.072(1)(i-ll).

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

RULEMAKING AUTHORITY: 456.013(9), 457.104 FS.  
 LAW IMPLEMENTED: 456.072, 456.079, 457.109 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye

Howerton, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-21.002	Definitions
67-21.003	Application and Selection Process for Developments
67-21.0035	Applicant Administrative Appeal Procedures
67-21.004	Federal Set-Aside Requirements
67-21.0045	Determination of Method of Bond Sale
67-21.006	Development Requirements
67-21.007	Fees
67-21.008	Terms and Conditions of MMRB Loans
67-21.009	Interest Rate on Mortgage Loans
67-21.010	Issuance of Revenue Bonds
67-21.013	Non-Credit Enhanced Multifamily Mortgage Revenue Bonds
67-21.014	Credit Underwriting Procedures
67-21.015	Use of Bonds with Other Affordable Housing Finance Programs
67-21.017	Transfer of Ownership
67-21.018	Refundings and Troubled Development Review
67-21.019	Issuance of Bonds for Section 501(c)(3) Entities

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, F.S.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2011 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

RULEMAKING AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 29, 2010, 1:00 p.m.

PLACE: Renaissance Orlando Airport Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Len Stirrat, Florida Housing Finance Corporation, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Len Stirrat, Multifamily Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-48.001	Purpose and Intent
67-48.002	Definitions
67-48.004	Application and Selection Procedures for Developments
67-48.005	Applicant Administrative Appeal Procedures
67-48.007	Fees
67-48.0072	Credit Underwriting and Loan Procedures
67-48.0075	Miscellaneous Criteria
67-48.009	SAIL General Program Procedures and Restrictions
67-48.0095	Additional SAIL Application Ranking and Selection Procedures
67-48.010	Terms and Conditions of SAIL Loans
67-48.0105	Sale, Transfer or Refinancing of a SAIL Development
67-48.013	SAIL Construction Disbursements and Permanent Loan Servicing
67-48.014	HOME General Program Procedures and Restrictions
67-48.015	Match Contribution Requirement for HOME Allocation
67-48.017	Eligible HOME Activities
67-48.018	Eligible HOME Applicants
67-48.019	Eligible and Ineligible HOME Development Costs
67-48.020	Terms and Conditions of Loans for HOME Rental Developments

67-48.0205	Sale, Transfer or Refinancing of a HOME Development
67-48.022	HOME Disbursements Procedures and Loan Servicing
67-48.023	Housing Credits General Program Procedures and Requirements
67-48.027	Tax-Exempt Bond-Financed Developments
67-48.028	Carryover Allocation Provisions
67-48.029	Extended Use Agreement
67-48.030	Sale or Transfer of a Housing Credit Development
67-48.031	Termination of Extended Use Agreement and Disposition of Housing Credit Developments

**PURPOSE AND EFFECT:** The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2011 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2009 Qualified Allocation Plan (QAP).

**RULEMAKING AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** April 29, 2010, 1:00 p.m.

**PLACE:** Renaissance Orlando Airport Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000. The workshop will be accessible via telephone at 1(888)808-6959, Conference code: 1374197

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Blake Carson-Poston at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kevin Tatreau, Director of Multifamily Development Programs  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.: 69K-1.001  
 RULE TITLE: List of Approved Forms; Incorporation by Reference

PURPOSE AND EFFECT: Section 497.456(13), F.S., authorizes the Department to adopt rules, including: (i) forms to be used in filing claims against the Preneed Funeral Contract Consumer Protection Trust Fund (CPTF); (ii) procedures to be used for filing claims against the CPTF; (iii) information and supporting documentation that must be provided by claimants to support claims against the CPTF; (iv) procedures for the investigation of claims against the CPTF; and (v) criteria to be used in determining whether a claim is allowable and in what amount.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adopts four new forms that shall be used to file claims against the CPTF.

RULEMAKING AUTHORITY: 497.103(5)(b), 497.456(13) FS.

LAW IMPLEMENTED: 497.456 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 26, 2010, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AND ON THE DEPARTMENT'S WEBSITE AT <http://www.myfloridacfo.com/LegalServices/RuleHearing/>.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-167.024  
 RULE TITLE: Rate Filings for Inland Marine Insurance

PURPOSE AND EFFECT: To make the rule comply with statutory changes to Section 627.021, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rate filings.

RULEMAKING AUTHORITY: 627.607, 627.062, 627.0651 FS.

LAW IMPLEMENTED: 627.607, 627.062, 627.0651 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 27, 2010, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Koon, Office of Insurance Regulation, E-mail Richard.Koon@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Koon, Office of Insurance Regulation, E-mail Richard.Koon@flor.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.042  
 RULE TITLE: Third-Party Voter Registration Organizations

PURPOSE AND EFFECT: To incorporate a revised Third-Party Voter Registration Organization Registration Form, DS-DE 119. The revised form requires the registered